

# **EXHIBIT 1**

**Greg S. Hollrigel**

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**From:** "Donovan\_Stephen" <Donovan\_Stephen@Allergan.com>  
**To:** "Frank Uxa" <fjuxa@patlawyers.com>; "Greg Hollrigel" <gsh@patlawyers.com>  
**Sent:** Friday, March 19, 2004 2:16 PM  
**Subject:** Re: Reissue of 6,369,116 (our docket 17652CON2)

I spoke to Vernon Wong today and he agreed to look at reissue documents. So if you can e mail them to me, I'll forward them to him for his review. Thank you.

-----Original Message-----

**From:** Donovan\_Stephen  
**Sent:** Friday, March 19, 2004 1:12 PM  
**To:** [REDACTED]  
**Subject:** Re: Lin Dong

~~Jonny and Thierry, do you have any contact information for Dr. Lin Dong? he started working for Oculex in September 1998. Thank you.~~

-----Original Message-----

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Monday, March 08, 2004 3:22 PM  
**To:** Donovan\_Stephen  
**Cc:** VERNON0000@aol.com  
**Subject:** Re: (no subject)

Stephen,

~~The best way to get a hold of Vernon is through email. His address is: vernon0000@aol.com. His home number is 666-264-6485. His cellular number is 950-887-8828. I know Vernon was planning to leave traveling, but I do not remember the exact date he was leaving. Good luck in tracking him down. Serry Girl~~

4/7/2004

## **EXHIBIT 2**

**Greg S. Hollrigel**

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**From:** "Donovan\_SStephen" <Donovan\_SStephen@Allergan.com>  
**To:** <vernon8888@aol.com>  
**Sent:** Wednesday, March 24, 2004 12:12 PM  
**Attach:** 040322 Prelim Amndmnt D3136CON1CIPRE.doc; Offer to Surrender D3136CON1CIPRE.doc; Dec and Petition for Reissue D3136CON1CIPRE.doc; US6369116(B1).pdf  
**Subject:** Re: patent reissue documents

Dear Dr. Wong: further to our telephone conversation last week, I am a patent attorney with Allergan, Irvine, California. Allergan bought Oculex Pharmaceuticals late last year. We would like to seek a reissue of your U.S. patent 6,369,116 (copy attached) so as to broaden the claims in the patent. To do so we must file a reissue request with the U.S. patent office by no later than April 9, 2004.

We you be so kind as to assist us in this matter? Attached (besides the copy of your patent) are three documents: (1) a Declaration for Reissue; (2) an Offer to Surrender the patent ; and (3) Preliminary Amendment.

The Declaration make a number of formal statements, as required by patent office rules when seeking a patent reissue.

Please sign and return to me by Federal Express at the address below the Declaration and the Offer to Surrender, and call me if you have any questions. Thank you.

I will also e mail each of the attachments to you separately (to ensure their receipt) and I will also mail them to you at 180 Sand Hill Circle, Menlo Park, California 94025. Please note that we are willing to compensate you for your time to review these documents and for the FedEx return charge. Thank you.

Stephen Donovan  
Senior Patent Attorney  
Allergan, Inc. T2 7H  
2525 Dupont Drive  
Irvine, California U.S.A. 92624

Telephone: 714 246 4026  
Fax: 714 246 4249

This e mail is a confidential communication. If you have received it in error please delete it.

4/7/2004

## **EXHIBIT 3**



Stephen Donovan  
Senior Patent Attorney  
Telephone: 714 246 4026  
Facsimile: 714 246 4249  
E-mail: [donovan\\_stephen@allergan.com](mailto:donovan_stephen@allergan.com)

March 25, 2004

Federal Express

Dr. Vernon Wong  
180 Sand Hill Circle  
Menlo Park, California 94025

Re: Patent Reissue of US 6,369,116 B1  
Issued: April 9, 2002  
Inventors: Vernon Wong and Lin Peng  
Title: Composition and method for treating glaucoma  
Our Ref.: 17652CON1CIP1

Dear Dr. Wong:

Further to our recent telephone and e-mail communications, I am a patent attorney with Allergan, Inc. located in Irvine, California. As you know, Allergan bought Oculex Pharmaceuticals late last year. We would like to seek a reissue of your U.S. patent 6,369,116 B1 (copy attached) so as to broaden the claims in the patent. To do so, we must file a reissue request with the U.S. patent office by no later than April 9, 2004.

Would you be so kind as to assist us in this matter? Attached (besides the copy of your patent) are three documents: (1) a Declaration for Reissue; (2) an Offer to Surrender the patent; and (3) Preliminary Amendment. The Declaration makes a number of formal statements, as required by patent office rules, when seeking a patent reissue.

Please sign (at the indicated locations) and return to me by Federal Express at the address below the Declaration and the Offer to Surrender, and call me if you have any questions. A self-addressed, postage paid Federal Express air bill and envelope are enclosed for your use. Thank you.

Please note that we are willing to compensate you for your time to review these documents. Thank you.

Yours sincerely,

Stephen Donovan

## **EXHIBIT 4**

**Frank J Uxa**

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**From:** Donovan\_Stephen [Donovan\_Stephen@Allergan.com]  
**Sent:** Thursday, March 25, 2004 4:14 PM  
**To:** Greg Holtrigel  
**Cc:** Frank Uxa  
**Subject:** Re: patent reissue documents; our docket 17652CON1CIP1(Oculex)  
**Importance:** High

Greg: I have asked my secretary to FedEx the ribbon copy of the patent to you. As you can see from the e mail below, Dr. Wong may not sign any reissue documents. I am also unsure about whether the other co-inventor Peng will sign anything.

-----Original Message-----

**From:** Donovan\_Stephen  
**Sent:** Thursday, March 25, 2004 4:06 PM  
**To:** 'VERNON8888@aol.com'  
**Subject:** Re: patent reissue documents  
**Importance:** High

Dr. Wong: the patent was owned by Oculex, and then obtained by Allergan when Allergan bought Oculex last year. So you are correct that you do not own the patent, but you are and will always be a co-inventor of the patent.

Even though Allergan owns the patent in question your permission to seek a reissue of the patent is required. As you may recall, your June 30, 1989 "Proprietary information and inventions Agreement" with Oculex states in section 4. that *you will "assist the company (now Allergan since Allergan now stands in the shoes of Oculex) in every proper way to obtain and from time to time enforce" patents and that you will "execute such documents as the company may reasonably request" related thereto.*

So we would very much appreciate your assistance in this matter – by signing and returning to me the Declaration and the Offer to Surrender the patent. Thank you and please contact me if you have any questions.

-----Original Message-----

**From:** VERNON8888@aol.com [mailto:VERNON8888@aol.com]  
**Sent:** Thursday, March 25, 2004 3:52 PM  
**To:** Donovan\_Stephen  
**Subject:** Re: FW: patent reissue documents

Mr. Donovan,

I have been away and sorry for not responding earlier...I am returning the 4 files sent via email to me unopened back to you and will delete these files unopened from my system. Your office called this morning to verify address to send hard copie of same (I presumed) being sent to me...the latter when received will be returned unopened as well...I believe the patent(s) you are referring to are no longer my property...pls confirm...thanks...vernion wong

4/7/2004



## **EXHIBIT 5**

Track Shipments  
Detailed Results

[? Quick Help](#)

**Tracking number** 836518152101  
**Signed for by** 0223785  
**Ship date** Mar 25, 2004  
**Delivery date/time** Mar 26, 2004 12:26 pm

**Reference number** 5592001-2100100040  
**Delivered to** Recipient  
**Delivery location** MENLO PARK CA  
**Service type** Standard Envelope

Date/time	Status	Location	Comments
Mar 26, 2004 12:26 pm	Delivered	MENLO PARK CA	No signature required - release waiver on file

[Signature proof](#)

[Track more shipments](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From \_\_\_\_\_

To \_\_\_\_\_

[Add a message to this email.](#)

[Send email](#)

## **EXHIBIT 6**

**Greg S. Hollrigel**

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**From:** "Donovan\_SStephen" <Donovan\_SStephen@Allergan.com>  
**To:** <vernon8888@aol.com>  
**Sent:** Tuesday, March 30, 2004 3:34 PM  
**Attach:** 040322 Prelim Amndmnt D3136CON1CIPRE.doc; Offer to Surrender D3136CON1CIPRE.doc;  
Dec and Petition for Reissue D3136CON1CIPRE.doc; US6369116(B1).pdf  
**Subject:** Re: patent reissue documents

Dr. Wong: further to my voice mail message to you today, attached is another copy of the reissue documents. Thank you

Stephen Donovan  
Senior Patent Attorney  
Allergan, Inc. T2 7H  
2525 Dupont Drive  
Irvine, California U.S.A. 92624

Telephone: 714 246 4026  
Fax: 714 246 4249

This e mail is a confidential communication. If you have received it in error please delete it.

4/7/2004

## **EXHIBIT 7**

FRANK J. UXA, JR.\*  
ROBERT D. BUYAN\*  
DONALD E. STOUT  
KENTON R. MULLINS  
JO ANNE M. YBABEN  
LINDA ALLYSON FOX  
GREG S. HOLLRIGEL, Ph.D.\*\*  
LOUISE S. HEIM\*\*

LAW OFFICES OF  
**STOUT, UXA, BUYAN & MULLINS, LLP**

4 VENTURE, SUITE 300  
IRVINE, CALIFORNIA 92618  
(949) 450-1750  
FACSIMILE: (949) 450-1764

WRITER'S E-MAIL: gsh@patlawyers.com

April 2, 2004

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MATTERS

GORDON L. PETERSON (Retired)

\*PROFESSIONAL CORPORATION  
\*\*REGISTERED PATENT AGENT

**Via Federal Express**

Dr. Vernon Wong  
180 Sand Hill Circle  
Menlo Park, CA 94025

RE: U.S. Reissue Patent Application of U.S. 6,369,116  
Issue Date: April 9, 2002  
Entitled COMPOSITION AND METHOD FOR TREATING GLAUCOMA  
Our Reference: **D3136 CON1 CIP1RE**

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Dear Dr. Wong:

We are writing to follow up to Mr. Stephen Donovan's letter dated March 25, 2004 and the several email communications from Stephen Donovan to you regarding requests for your cooperation in assisting Allergan, Inc. with the filing of a reissue application of U.S. Patent No. 6,369,116, previously owned by Oculex Pharmaceuticals and now owned by Allergan.

Enclosed please find the following documents:

1. a copy of U.S. Patent No. 6,369,116;
2. a Declaration and Petition for Reissue Application;
3. an Offer to Surrender; and
4. a Preliminary Amendment presenting additional claims.

Also enclosed please find a self-addressed, postage paid Federal Express air bill and envelope for your convenience.

Please review the enclosed documents, and please sign and date where indicated. Please return the executed documents to our office **by April 7, 2004** in the enclosed Federal Express package discussed above.

Thank you for your assistance and cooperation. We look forward to your prompt reply, and if you have any other questions or comments, please do not hesitate to call.

Sincerely,

  
Greg S. Hollrigel

Enclosure(s):  
As indicated

## **EXHIBIT 8**



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone: 901-369-3600

4/5/2004

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **823079673329**. The shipment was released without signature as authorized by the shipper/recipient.

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**Delivery Information:**

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**Signed For By:** 3785346  
**Delivery Location:** 180 SANDHILL CIR  
**Delivery Date:** April 5, 2004  
**Delivery Time:** 1006

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**Shipping Information:**

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**Tracking No:** 823079673329

**Ship Date:** April 2, 2004

**Recipient:**

DR V WONG

-

180 SAND HILL CIRCLE  
MENLO PARK, CA 94025  
US

**Shipper:**

G HOLL RIGEL

UXA, FRANK J, ATTY AT LAW  
4 VENTURE STE 300  
IRVINE, CA 926187384  
US

**Shipment Reference Information:**


Thank you for choosing FedEx Express. We look forward to working with you in the future.

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Reference No.: R2004040500124398033



## **EXHIBIT 9**

## Track Shipments Summary Results

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### Tracking number

835864856563

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## Track Shipments Summary Results

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Tracking number

823079673318

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